

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENEE MARIE KLEIN,

Defendant.

CR 21–114–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on January 3, 2023. (Doc. 89.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant Jene Marie Klein’s guilty plea after Klein appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure and entered a guilty plea to one count of wire

fraud, in violation of 18 U.S.C. §§ 1343 and 2 (Count 6), and one count of aggravated identity theft, in violation of 18 U.S.C. §§ 1028A(a)(1) and 2 (Count 12), as set forth in the Superseding Indictment. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 89) is ADOPTED in full.

IT IS FURTHER ORDERED that Klein's motion to change plea (Doc. 73) is GRANTED and Klein is adjudged guilty as charged in Counts 6 and 12 of the Superseding Indictment.

DATED this 18th day of January, 2023.



Dana L. Christensen, District Judge
United States District Court